

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Claims 1, 2, 5-9, and 13-17 were pending in the application and were rejected in the Office Action. By way of this Amendment, claims 1, 5, 6, 9, 13, 14, and 17 have been amended and new claims 18-24 have been added. Therefore, claims 1, 2, 5-9, and 13-24 remain respectfully pending for further consideration.

1. Objection to Claims 1 and 9

The Examiner objected to claim 9 for reciting “a self-aligning washers”. An appropriate amendment has been made to claim 9 to resolve this grammatical error. A withdrawal of this objection is, therefore, both warranted and earnestly solicited.

The Examiner objected to claims 1 and 9 for reciting “adapted to”. Preliminarily, Applicants respectfully note that the Federal Circuit and its predecessor court (the Court of Customs and Patent Appeals) have affirmed the validity of the phrase “adapted to” as a functional limitation. *See, e.g.,* M.P.E.P. § 2173.05(g) (citing *In re Venezia*, 530 F.2d 956, 189 U.S.P.Q. 149 (C.C.P.A. 1976)). However, for purposes of advancing prosecution and without intending to alter or narrow the scope of the claims, Applicants have opted to replace each instance of “adapted to” in claims 1, 5, 9, and 13 with the more generally accepted “configured to”. A withdrawal of this objection is, therefore, both warranted and earnestly solicited.

2. Rejections of Claims 1, 2, 5-9 and 13-17 under 35 U.S.C. §§ 102(b), 103(a)

The Examiner rejected: (a) claims 1, 2, and 9 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,123,176 (“O’Donnell”); (b) claims 5-8 and 13-16 under 35 U.S.C. § 103(a) as allegedly being obvious when considering O’Donnell in view of U.S. Patent No. 6,435,316 (“Ando”); and (c) claim 17 under 35 U.S.C. § 103(a) as allegedly being obvious when considering O’Donnell in view of U.S. Patent No. 5,421,433 (“Yoo”). For at least the following reasons, Applicants respectfully traverse each of these rejections.

As amended herein, claim 1 (*i.e.*, the claim from which claims 2, 5-8, and 17 depend) recites a measuring apparatus for measuring the load of an elevator car suspended, within a hoistway, by a tension member that includes a termination at one end thereof. This apparatus includes, among other possible things (*italic emphasis added*):

a mounting plate for attaching the termination relative the hoistway;
 a hitch for attaching the termination to the mounting plate;
 a load cell positioned between the hitch and the mounting plate, the load cell being configured to generate a signal proportional to the load; and
 a self-aligning washer located between the hitch and the load cell, the self-aligning washer comprising a first portion interfacing with the load cell and a second portion interfacing with the hitch,
wherein the first portion and second portion are configured to interface with each other to maintain the hitch in a position normal to the load cell.

Similarly, as amended, claim 9 (*i.e.*, the claim from which claims 13-16 depend) recites a measuring apparatus for measuring the load of an elevator including a car suspended, within a hoistway, by plurality of tension members each of which tension members includes a termination at one end thereof. This apparatus includes, among other possible things (*italic emphasis added*):

a mounting plate for attaching the plurality of terminations relative the hoistway;
 a plurality of hitches for attaching each of the plurality of terminations to the mounting plate;
 a load cell positioned between each of the plurality of hitches and the mounting plate wherein each load cell is configured to generate a signal proportional to the load; and
 a self-aligning washer located between each of the plurality of hitches and each load cell, each of the self-aligning washers comprising a first portion interfacing with the load cell and a second portion interfacing with the hitch,
wherein the first portion and second portion of each self-aligning washer are configured to interface with each other to maintain the hitch in a position normal to the load cell.

As hereafter explained, O'Donnell, Ando, and Yoo (standing alone or combined) fail to teach or suggest the apparatuses recited in claims 1 and 9.

As above-italicized, claims 1 and 9 recite self-aligning washers each of which includes a first portion and a second portion. Further, the first portion and second portion of each self-aligning washer “are configured to interface with each other.” In other words, the self-aligning washers are formed of two separate and distinct pieces that are configured to interface with each other. An embodiment of such a two-part washer is shown in Figure 3 of the instant application. As shown, the two part washer 60 is formed of a first (upper) portion 62a and a second (lower) portion 62b. The first and second portions 62a, 62b are configured to interface with each other by means of corresponding convex and concave surfaces 64b, 66a.

In contrast to the two-part self-aligning washers recited in claims 1 and 9, O'Donnell teaches an integral washer 58, as clearly shown in Figure 2. Ando and Yoo also clearly fail to cure this deficiency of O'Donnell. The Examiner asserts that Yoo "teaches [a] washer (28) having concave and convex surfaces of nylon to seat his hitch spring[.]" Initially, Applicants respectfully note that Yoo's "washer" (seat) 28 has a cylindrical cup-like shape, as clearly shown in Figure 3. Accordingly, Yoo completely fails to teach or suggest a convex/concave interaction. Moreover, even assuming, *arguendo*, that Yoo did teach a convex/concave interaction, Yoo, like O'Donnell and Ando, completely fails to teach or suggest a washer formed of two separate parts. Rather, as clearly shown in Figure 3, Yoo's "washer" (seat) 28 is a singular cup-shaped part in which the hitch spring 14 sits.

In light of the foregoing, it is clear that none of O'Donnell, Ando, and Yoo teaches or suggests at least the above-italicized limitations of claims 1 and 9. Accordingly, O'Donnell, Ando, and Yoo can not be used to reject claims 1 and 9, or any claim dependent thereon, under 35 U.S.C. §§ 102(b), 103(a). Moreover, as claims 2, 5-8, and 17 depend from claim 1 and as claims 13-16 depend from claim 9, each of these dependent claims is also allowable over O'Donnell, Ando, and Yoo, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the various rejections of claims 1, 2, 5-9, and 13-17 under §§ 102(b), 103(a) is both warranted and earnestly solicited.

3. New Claims 18-24

New claim 18 (*i.e.*, the claim from which new claims 19-24 depend) recites an elevator system that includes a measuring apparatus of a type similar to that recited in claim 1. Accordingly, new claims 18-24 are allowable for at least the same reasons as claim 1.

CONCLUSION

In light of the foregoing, claims 1, 2, 5-9, and 13-24 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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